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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,181	11/03/2000	Theron Tock	DANAP001	5562

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EXAMINER

LAZARO, DAVID R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/706,181	Applicant(s) TOCK ET AL.	
	Examiner David Lazaro	Art Unit 2155	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: 20-4  
Claim(s) objected to: 20-4  
Claim(s) rejected: 1-4, 6-11 and 21-26  
Claim(s) withdrawn from consideration: \_\_\_\_\_


#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_

  
**SALEH NAJJAR**  
**SUPERVISORY PATENT EXAMINER**

  
**David Lazaro**  
**October 27, 2005**

**Continuation Sheet**

Continuation of 11: does NOT place the application in condition for allowance because: Applicants argues on page 4 "(Barrett, section 3.2). *This disclosure of Barrett provides for a number of steps that are to be followed when handling requests. None of these steps, however, disclose or suggest as recited in claim 1, that received requests that are not view history requests or login request to the intermediate server are assumed to be destined for a remote server and are forwarded by the intermediate server to the remote server*".

Examiner's response - The examiner first notes In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981) states, "*Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art.*" Furthermore, MPEP 2145 states, "*One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).*"

Claim 1 is rejected based on a combination of Barrett and BMK, while Claim 6 is rejected based on the combination of Barrett, BMK and Chiu. As such, these rejections must be considered as a whole. The cited sections of Barrett provide the base functionality of request handling and overall purpose of an intermediate server.

Particularly, section 3.2 shows that a WBI plugin processes requests according to the built in rules of that particular WBI plugin. The rules essentially determine whether or not the WBI plugin should operate upon the request. For example, in this case, the history manger plugin (Page 509 'Abstract', Page 510, 'Web personalization', Page 515 - first paragraph) would be able to determine if the history manager should process a request based on the rules defined through its WBI functionality. One of the most basic functionalities of the intermediate server is to forward requests to the remote server. Section 2 states, "*The intermediary approach is derived from the common browser-proxy-server model...The implicit intermediary handles the request by making the appropriate HTTP connection for the browser...For instance, the client-side intermediary could choose to satisfy the request immediately from a cache,...or simply make the appropriate HTTP connection as browsers normally do.*" It is clear from this section, that the intermediary will forward the request to the remote server when the plugins are not the recipients of the request or fully capable of handling the request if there is a cache for example. Section 3.3.1 shows the intermediate server can be directly addressed, and page 515 discusses login requests in the form of HTTP proxy authentication. Based on this, Barrett teaches at the very least, that received requests that are not login requests or directly addressed to the intermediate server are assumed to be destined for a remote server and are forwarded by the intermediate server to the remote server. The BMK reference further provides that a history manager is capable of providing results of historical requests in response to a view history request. This establishes that a request may be a "view history request". Based on the combination

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of Barrett and BMK, it is clear that a "view history request" would be handled according to the history manager WBI plugin based on the corresponding rules of that history manager WBI plugin. Thus, the combined teachings of Barrett and BMK would clearly suggest to those of ordinary skill in the art that "received requests that are not view history requests or login requests to the intermediate server are assumed to be destined for a remote server and are forwarded by the intermediate server to the remote server. Based on the same rationale, the combined teachings of Barrett, BMK and Chiu would also suggest the same. For these reasons, applicants' arguments are not persuasive.